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December 20, 1956

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CONCORD, N.H.

Admiral C. A. Brinkmann
Director, Civil Defense
Concord, New Hampshire

Dear Admiral Brinkmann:

On November 30, 1956, your office requested our opinion as to whether there is sufficient existing statutory authority to force the evacuation of supply depots in this State in case of emergency.

The Civil Defense Act grants extensive powers to the Governor and the Director of Civil Defense in the event of an emergency. RSA 107:8 provides that in the event an emergency is proclaimed

"the governor shall have and may exercise the following additional emergency powers:

.....

"(b) To sell, lend, lease, give, transfer, or deliver materials or perform services for civil defense purposes on such terms and conditions as the governor shall prescribe and without regard to the limitations of any existing law, and to account to the state treasurer for any funds received for such property;

.....

"(c) To perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population."

Whenever it is necessary to take private property or order its removal to another location, RSA 107:7 should be consulted. This section provides the legal procedure to be followed in that instance.

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OFFICE OF Admiral C. A. Brinkmann

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It is our opinion in view of the extensive powers granted aforementioned that supply depots may be evacuated in the event of an emergency under statutory authority if it is necessary to do so.

Sincerely yours,

William J. Deachman
Assistant Attorney General

WJD/mal